ATTORNEY DOCKET NO. IAG/003SmartCard
Serial No.: 09/493,756

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Chris Carmichael et al	Group Art Unit 2876
Appl. No.	:	09/493,756	
Filed	:	January 28, 2000	
For	:	Multi-application Smart Card	
Examiner	:	Fureman	

Renewed petition under 37 CFR 1.137b

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Att: Office of Petitions

Dear Sir:

Response to the decision on petition dated June 5, 2008, kindly consider the following.

The petition stands dismissed, for the reason that "office records indicate a reply to the outstanding office action has not been filed". However, this in fact is incorrect, and in fact a response to the outstanding office action was in fact filed with the original petition on October 27, 2006.

Attached to this document, please sign the petition package as filed on October 27, 2006. Note also the EFS acknowledgment

receipt, showing not only a petition, but also an amendment as filed.

According to the decision on petition, the only thing remaining outstanding at this point is the alleged lack of required reply. Since the reply is was in fact filed on October 27, 2006, the application should be indicated as revived.

A notice of revival is requested.

Please charge any fees due in connection with this response, (other than those concurrently paid via EFS), to Deposit Account No. 50-4376, small entity.

Respectfully submitted,

Date: _8/5/08_____ __/Scott C Harris/_____
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Chris Carmichael, et al. Art Unit : 2876
Serial No.: 09/493,756 Examiner : Jared Fureman
Filed : January 28, 2000
Title : MULTI-APPLICATION SMART CARD WITH CURRENCY EXCHANGE, LOCATION TRACKING, AND PERSONAL IDENTIFICATION CAPABILITES

MAIL STOP PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR §1.137(a)
TO REVIVE UNAVOIDABLY ABANDONED APPLICATION

Pursuant to 37 CFR §1.137(a), and in response to the Notice of Abandonment mailed January 29, 2003, applicants hereby petition to revive the abandoned application. The application was abandoned for failure to respond to the June 20, 2002 Official Action.

Enclosed is a proposed response to the Official Action to continue prosecution of the application. Applicants submit that the entire period of delay was unavoidable.

Please apply the $250 petition fee by a small entity as set forth in 37 CFR §1.17(l), and any other applicable charges or credits, to Deposit Account No. 06 1050.

As evidenced by the attached declaration of Connie Jordan (previously Connie Carmichael), the applicants attempted diligently to ascertain the status of the application and

continue its prosecution. As further evidenced from the attached declaration, this is much more than merely having sent documents to the wrong address. The applicant could not have been expected to foresee that the Lyon & Lyon law firm would dissolve, or that patentee's choice of another firm would be unwilling and/or unable to represent them.

Applicants could also not have been expected to foresee that their second law firm would be unable to proceed without the contents of the entire file. This sequence of events is quite simply beyond what a normal person exercising ordinary care would expect. As evidenced from the attached declaration, the applicants used reasonable care, and over the many years, continually attempted to obtain copies of the files and to obtain new attorneys to handle the files. Under the circumstances, the abandonment must be considered unavoidable.

Respectfully submitted,

Date: October 27, 2006

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10675414.doc

Electronic Patent Application Fee Transmittal

Application Number:	09493756
Filing Date:	28-Jan-2000
Title of Invention:	Multi-application smart card with currency exchange, location tracking, and personal identification capabilities
First Named Inventor/Applicant Name:	Chris Carmichael
Filer:	Scott C. Harris/Sharon Gebhart
Attorney Docket Number:	SD-CARMI-SCH051006-1-SXG

Filed as Small Entity

Utility Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Petition-revive unavoid. abandoned appl	2452	1	250	250
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
			Total in USD ($)	**250**

Electronic Acknowledgement Receipt

EFS ID:	1279889
Application Number:	09493756
International Application Number:	
Confirmation Number:	2630
Title of Invention:	Multi-application smart card with currency exchange, location tracking, and personal identification capabilities
First Named Inventor/Applicant Name:	Chris Carmichael
Customer Number:	20985
Filer:	Scott C. Harris/Sharon Gebhart
Filer Authorized By:	Scott C. Harris
Attorney Docket Number:	SD-CARMI-SCH051006-1-SXG
Receipt Date:	27-OCT-2006
Filing Date:	28-JAN-2000
Time Stamp:	20:21:05
Application Type:	Utility

Payment information:

Submitted with Payment	yes
Payment was successfully received in RAM	$250
RAM confirmation Number	838
Deposit Account	061050

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part /.zip	Pages (if appl.)

1		jra09200.PDF	711747	yes	26

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Amendment - After Non-Final Rejection	1	1
Claims	2	13
Applicant Arguments/Remarks Made in an Amendment	14	17
Petition for review by the Office of Petitions.	18	26

Warnings:

Information:

2	Fee Worksheet (PTO-875)	fee-info.pdf	8221	no	2

Warnings:

Information:

Total Files Size (in bytes):	719968

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Chris Carmichael, et al. Art Unit: 2876
Serial No.: 09/493,756 Examiner: Jared Fureman
Filed : January 28, 2000
Title : MULTI-APPLICATION SMART CARD WITH CURRENCY EXCHANGE, LOCATION TRACKING, AND PERSONAL IDENTIFICATION CAPABILITES

Mail Stop Petitions
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

In response to the Office action mailed June 20, 2002, please amend the application as follows:

Amendments to the Claims begin on page 2 of this paper.

Remarks/Arguments begin on page 14 of this paper.

Amendment to the Claims:

This listing of claims replaces all prior versions, and listings, of claims in the application:

1. (Previously presented) A smart card capable of performing more than one function, said smart card having the dimensions of a conventional plastic credit card and comprising:

a first memory comprising a first set of data to access a bank account, a second set of data to access a credit card account, a third set of data representing the identification of a holder of the smart card, and a fourth set of data to access telephone communication services;

a microprocessor, said microprocessor being in electrical communication with a second memory, said second memory configured for storing geographical position data; and

an automated location tracking means for determining a location of the smart card.

2. (Previously presented) The smart card of claim 1, wherein the first memory comprises a magnetic strip.

3. (Previously presented) The smart card of claim 1, wherein the second memory comprises EPROM or EEPROM.

4. (Previously presented) The smart card of claim 1, wherein the second memory comprises RAM and ROM.

5. (Original) The smart card of claim 1, wherein the first set of data comprises a bank account number.

6. (Original) The smart card of claim 1, wherein the second set of data comprises a credit card account number.

7. (Original) The smart card of claim 1, wherein the third set of data comprises the name, address, social security number, birth date, physical characteristics, and identification number of the holder of the smart card.

8. (Original) The smart card of claim 1, wherein the fourth set of data comprises a telephone calling card account number.

9. (Original) The smart card of claim 1, wherein the second memory means comprises a fifth set of data representing a predetermined value.

10. (Original) The smart card of claim 8, wherein the fourth set of data represents a cash balance.

11. (Original) The smart card of claim 1, wherein the second memory means has stored therein a program for enabling said microprocessor to track a history of cash transactions made using the smart card and to generate a cash transaction history statement.

12. (Original) The smart card of claim 1, wherein the second memory means has stored therein a program for enabling said microprocessor to automatically convert a predetermined cash value from a first currency to a second currency based on a location of the smart card.

13. (Original) The smart card of claim 1, wherein the location tracking means transmits an identifiable signal, said signal being detectable by a global positioning system satellite.

14. (Original) The smart card of claim 13, wherein the location of the smart card is determined from the signal transmitted by the location tracking means.

15. (Original) The smart card of claim 1, wherein the location of the smart card is determined by a central processing center which is capable of identifying a location of a remote card reader and a location of a remote retail terminal.

16. (Original) The smart card of claim 8, wherein a value representing cash can be transferred from the bank account to the second memory means of the smart card.

17. (Original) The smart card of claim 8, wherein a value representable as cash can be transferred from the credit card account to the second memory means of the smart card.

18. (Currently amended) A smart card having the dimensions of a conventional plastic credit card and a proximal end and distal end, said smart card comprising:

a first magnetic strip comprising a first set o data and a second set of data;

a second magnetic strip comprising a third set of data and a fourth set of data;

an integrated circuit embedded in said smart card, said integrated circuit comprising a microprocessor in electrical communication with a memory, said ~~second~~ memory configured for storing geographical position data; and

a tracking device capable of transmitting a signal unique to the smart card.

19. (Previously presented) The smart card of claim 18, wherein the first set of data and the second set of data can

only be read by a credit card reader when the smart card is inserted into the credit card reader from one said proximal and said distal ends.

20. (Previously presented) The smart card of claim 19, wherein the third set of data and the fourth set of data can only be read by a credit card reader when the smart card is inserted into the credit card reader from the other of said proximal and said distal ends.

21. (Original) The smart card of claim 18, wherein the first set of data represents a number for accessing a bank account.

22. (Original) The smart card of claim 18, wherein the second set of data represents a number for accessing a credit card account.

23. (Original) The smart card of claim 18, wherein the third set of data represents identification information for the holder of the smart card.

24. (Original) The smart card of claim 18, wherein the fourth set of data represents a number for accessing telephone communication services.

25. (Original) The smart card of claim 18, wherein the tracking device is capable of transmitting the unique signal to a global positioning system satellite.

26. (Original) The smart card of claim 18, wherein the memory comprises a fifth set of data representing a cash balance.

27. (Original) The smart card of claim 18, wherein the memory has stored therein a program for enabling said microprocessor to track a history of cash transactions made using the smart card and to generate a cash transaction history statement.

28. (Original) The smart card of claim 18, wherein the memory has stored therein a program for enabling said microprocessor to automatically convert a predetermined cash value from a first currency to a second currency based on a location of the smart card.

29. (Original) The smart card of claim 28, wherein the location of the smart card is determined from the signal transmitted by the tracking device.

30. (Original) The smart card of claim 29, wherein the memory has stored therein a program for enabling said microprocessor to process data received from a global satellite, to store said data in the memory, and to generate a travel log based on said data.

31. (Original) The smart card of claim 30, wherein the program further enables said microprocessor to generate a map of a plurality of locations based on said data received from the global satellite.

32. (Original) The smart card of claim 28, wherein the location of the smart card is determined by a central processing center which is capable of identifying a location of a remote card reader and a location of a remote retail terminal.

33. (Original) The smart card of claim 26, wherein a value representing cash can be transferred from a bank account to the memory of the smart card.

34. (Original) The smart card of claim 26, wherein a value representable as cash can be transferred from a credit card account to the memory of the smart card.

35. (Previously presented) A method of gaining access through an access device upon payment of a value, the method comprising the steps of:

providing a smart card having the dimensions of a conventional plastic credit card, said smart card comprising:

a first memory comprising a first set of data to access a bank account, a second set of data to access a credit card account, a third set of data representing the identification of a holder of the smart card, and fourth set of data to access telephone communication services;

a microprocessor, said microprocessor being in electrical communication with a second memory, said second memory configured for storing geographical position data; and

an automated location tracking meals for determining a location of the smart card;

inserting the smart card into the access device, wherein the access device is shaped to receive a smart card having the dimensions of a conventional plastic credit card;

reading at least one of said our sets of data;

performing a first authentication process on said at least one set of data; and

permitting access if said step of performing a first authentication process meets a required condition.

36. (Previously presented) The method of claim 35, wherein the location tracking means transmits an identifiable signal, said signal being detectable by a global positioning satellite system.

37. (Currently amended) A system for locating the position of a smart card, said system comprising:

a smart card having the dimensions of a conventional plastic credit card, said smart card comprising a microprocessor, a memory configured for storing geographical position data, and an automated location tracker ~~tracking means~~, wherein the microprocessor memory and automated location tracking means are in electrical communication with each other;

said smart card having a part that duplex communicates with a global positioning system satellite including sensing a signal to said satellite which uniquely identifies said smartcard ~~in duplex communication with the location tracking means~~; and

a central processing center in duplex communication with the global positioning system satellite, said central processing center capable of receiving coordinate data transmitted from the global positioning system satellite and determining the location of the smart card.

38. (Original) The system of claim 37, wherein the location tracking means is capable of receiving said coordinate

data from the global positioning system satellite and transmitting the data to the memory means.

39. (Original) The system of claim 38, wherein the memory means comprises a program for enabling the microprocessor to translate the coordinate data to a global position and to store said data in the memory.

40. (Previously presented) A system of converting a known value of a first currency to a known value of a second currency, said system comprising:

a smart card having the dimensions of a conventional plastic credit card, said smart card comprising a microprocessor, a memory, an automated location tracking means, a program capable of converting a predetermined cash value from a first currency value to a second currency value based on the location of the smart card as determined by the automated location tracking means, wherein the memory, the location tracking means, and the program are in electrical communication with each other;

a central processing center comprising a computer having real time data comprising the value of said first currency in relation to said second currency; and

communication means between said smart card and said central processing center.

41. (Previously presented) The system of claim 40, wherein the communication means comprises a telephone line.

42. (Previously presented) The system of claim 40, wherein the communication means comprises a satellite link between the central processing center and the smart card.

43. (Previously presented) The system of claim 40, wherein the communication means comprises a wireless communication systems linking said central processing center to said smart card.

44. (Previously presented) The system of claim 37, wherein the smart card further comprises a program capable of processing coordinate data and generating a travel log based on said data, said program being in electrical communication with the microprocessor, memory, and location tracking means.

45. (Previously presented) The system of claim 44, wherein the program is capable of enabling the microprocessor to generate a map based on the coordinate data received from the satellite.

46. (Previously presented) The system of claim 45, further comprising a computer peripheral reader in communication with a computer, the computer peripheral reader capable of reading the coordinate data stored in the memory and transmitting that data to the computer.

REMARKS

Reconsideration and allowance of the above referenced application are respectfully requested.

Claim 18 stands objected to due to informalities. In response, Claim 18 has been corrected to correct the antecedent.

Claims 37-39 stand rejected under 35 USC 103 as allegedly being unpatentable over Iijima in view of Mohan. This contention has been obviated by the amendments to Claim 37. As amended, Claim 37 specifies the smart card has an automated location tracker, and duplex communication with a satellite and sends a signal to the satellite which uniquely identifies the smart card. This allows the central processing center, which is also in duplex communication with the GPS satellite, to determine the location of the smart card.

The rejection cites Iijima in view of Mohan. Iijima teaches a portable electronic device such as an IC card, while Mohan teaches the geographic position determination module. Simply having a geographic determination module teaches nothing about modifying the card of Iijima. With all due respect, simply having Iijima and Mohan does not teach making the combination thereof.

Even assuming that somehow the geographic determination from Mohan could be added into Iijima, this would still not teach "sending a signal to the satellite which uniquely identifies that smart card" nor would it teach the central

processing center that receives coordinate data to identify the location of the smart card. While it might conceivably teach a way that the smart card itself might know where it is located, there is no teaching or suggestion in this hypothetical combination of references of communicating that to a different device.

Claims 44-46, as well as the other dependent claims should be allowable by virtue of their dependency.

Claims 1-6, 8, 13, 14, 35, and 36 stand rejected over Iijima in view of Grant et al. and Indeck et al. and Mohan. This contention is further respectfully traversed. Claim 1 requires a first memory having a first set of data to access a bank account, a second set of data to access a credit card account, a third set of data representing identification of a holder of the smart card, and a fourth set of data to access telephone communication services. None of the cited prior art in any way teaches or suggests four sets of data in a memory, each storing this different information, as well as an automatic location tracker. While, admittedly, the rejection shows certain ones of these items of information, it does not teach or suggest each and every one of these items of information in combination as claimed. Therefore, Claim 1 should be allowable for these reasons.

The dependent claims which depend from Claim 1 should be allowable for analogous reasons.

Claim 35 also defines the four sets of data, and defines authentication based on at least one of those four sets of data. As described above, there is no teaching or suggestion of these four sets of data anywhere in the cited prior art.

Claims 18-25 stand rejected over Iijima in view of Grant et al. and Chapin, Jr. This contention is respectfully traversed. Specifically, Claim 18 requires four different sets of data, an integrated circuit and a tracking device that is capable of transmitting a signal unique to the smart card. None of the cited prior art transmits a signal that is unique to the smart card. While unique smartcards are known in the art, there is no teaching or suggestion of transmitting a signal indicative thereof.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicants asks that all claims be allowed. Please apply the $250 Petition to Revive fee, and any other applicable charges or credits, to Deposit Account No. 06-1050.

Respectfully submitted,

Date: October 27, 2006

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